

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
JUSTIN LLEWELLYN,**

Plaintiff,

**9:20-cv-179
(GLS/TWD)**

v.

S. PEACOCK,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Justin Llewellyn
Pro Se
19-R-0168
Orleans Correctional Facility
3531 Gaines Basin Road
Albion, NY 14411

FOR THE DEFENDANT:

HON. LETITIA JAMES
New York State Attorney General
The Capitol
Albany, NY 12224

LAUREN ROSE EVERSLY
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Thérèse Wiley Dancks duly filed December 2, 2021. (Dkt. No. 30.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 30) is **ADOPTED** in its entirety; and it is further

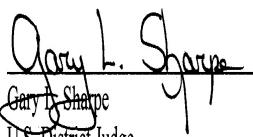
ORDERED that defendant's motion to dismiss (Dkt. No. 29) is **GRANTED**; and it is further

ORDERED that plaintiff's amended complaint (Dkt. No. 5) is **DISMISSED without prejudice**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further
ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice. Specifically, the Order shall be provided to plaintiff at his address of record (Orleans Correctional Facility) and the facility from which he was released (Sing Sing Correctional Facility).

IT IS SO ORDERED.

January 7, 2022
Albany, New York


Gary L. Sharpe
U.S. District Judge